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**FOR IMMEDIATE RELEASE**

December 9, 2004

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## **Lawmakers: BIA Error More Evidence Schaghticoke Recognition Must Be Overturned**

WASHINGTON, D.C. – New, emerging evidence that the Schaghticoke Tribal Nation did not merit federal recognition strengthens the case that the decision should be overturned on appeal, U.S. Reps. Nancy L. Johnson, Christopher Shays and Rob Simmons said today.

The Connecticut lawmakers wrote to Secretary of the Interior Gale Norton after learning the Bureau of Indian Affairs admitted that it used an unprecedented accounting method for STN marriage rates, artificially inflating them. The increased rates were used to justify the BIA decision to federally recognize the group in January, opening the door to additional casinos in Connecticut.

The case is currently before the Interior Board of Indian Appeals (IBIA) awaiting a hearing.

The lawmakers wrote that “the IBIA has before it sufficient evidence to vacate the STN Final Determination and for the BIA to issue a reconsidered decision denying federal recognition to the STN, as they clearly now fall short of fulfilling each of the ‘mandatory criteria’ set forth in the regulations.”

The full text of the letter follows.

December 9, 2004

The Honorable Gale Norton  
Secretary  
United States Department of the Interior  
Room 6151  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Norton:

We are writing in response to a brief submitted by the Bureau of Indian Affairs (BIA) to the Interior Board of Indian Appeals (IBIA) on December 2, 2004, regarding the federal acknowledgment of the Schaghticoke Tribal Nation (STN).

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According to the document, the BIA used an unprecedented accounting method for STN marriage rates – counting each individual in a marriage as a separate marriage, rather than as a couple – in its consideration of the STN petition for federal recognition. This unexplained departure from precedent artificially inflated STN marriage rates and, compounded by mathematical errors that when corrected lower marriage rates below the necessary 50 percent threshold, was used to justify BIA’s decision to federally recognize the STN on January 29, 2004.

We appreciate the BIA bringing errors of this significance to the attention of the IBIA, the public and interested parties. This type of transparency and critical inquiry will help to rebuild public confidence in the federal acknowledgment process.

This latest revelation is just one of the errors used to satisfy the “mandatory” political authority and political continuity criteria for federal recognition contained in 25 C.F.R. § 83.7, and it strengthens our belief that the STN Final Determination was incorrectly decided.

We further believe, pursuant to 25 C.F.R. § 83.11\*, that the IBIA has before it sufficient evidence to vacate the STN Final Determination and for the BIA to issue a reconsidered decision denying federal recognition to the STN, as they clearly now fall short of fulfilling each of the ‘mandatory criteria’ set forth in the regulations.

Sincerely,

/s/

Nancy L. Johnson  
Member of Congress

/s/

Christopher Shays  
Member of Congress

/s/

Rob Simmons  
Member of Congress

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\*Typographical error corrected from original

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